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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF LOS ANGELES

17 WILLIAM TAYLOR,

18 Plaintiff,

19 v.

20 CITY OF BURBANK and
21 DOES 1 through 100, inclusive,

22 Defendants.

Case No. BC 422252

Assigned to: Hon John L. Segal

**DEFENDANT CITY OF BURBANK'S
OBJECTION TO NOTICE TO APPEAR
AT TRIAL FOR 107 CITY
EMPLOYEES**

FSC Date: Feb. 29, 2012

FSC Time: 8:30 a.m.

Trial Date: March 5, 2012

Action Filed: Sept. 22, 2009

24 TO PLAINTIFF AND HIS COUNSEL OF RECORD:

25
26 PLEASE TAKE NOTICE THAT Defendant City of Burbank ("City") objects to

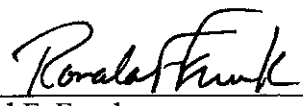
27 Plaintiff's Notice To Appear At Trial directed to City and served by mail on February 13, 2012

1 (the "NTA"). The NTA purports to require City to have 107 named people appear at trial. With
2 the exception of City Council Members Dr. Gordon and Mr. Golonski (whom Plaintiff's counsel
3 agreed on February 16, 2012 need not produced at trial pursuant to the NTA) and City Manager
4 Mike Flad (whom the City will produce at trial under an on-call agreement with at least 48 hours
5 advance notice before testifying and tender of his statutory witness fee), the listed individuals are
6 neither officers, directors, nor managing agents of City as required by Code of Civil Procedure §
7 1987(b). Nor are any of the listed persons a trust beneficiary, assignor, or similar person for
8 whose benefit the action is being defended. Accordingly, they will not be produced by City
9 without a subpoena.

10
11 City also objects to the NTA on the grounds that certain of the listed persons are not
12 current City employees. Further still, City objects to the NTA on the grounds of burden,
13 oppression, and needless increase in the cost of litigation given the sheer number of witnesses
14 listed in the NTA, and considering the needs of the case, the amount in controversy, the plaintiff's
15 trial time estimate, and the importance or lack of importance of each witnesses to the issues at
16 stake in the litigation. Finally, City objects to the NTA on the grounds that as to certain of the
17 listed persons, testimony would be barred by the attorney-client and attorney work product
18 privileges, the closed session privilege, and/or by the confidentiality of peace officer personnel
19 records information.

20
21 Notwithstanding the foregoing, City represents that it will be willing to discuss accepting
22 service of a trial subpoena, with an on-call agreement of a minimum of 48 hours' advance notice
23 before testifying, for a much-shortened number of City employees listed in the NTA. City will
24 require, however, that with respect to each officer or employee to be subpoenaed, Plaintiff will be
25 required to tender with the subpoena the requisite Government Code § 68097.2 officer's salary
26 and other compensation and necessary travel expenses, or other statutory trial witness fees.

BURKE, WILLIAMS & SORENSEN, LLP
Ronald F. Frank
Robert J. Tyson

By: 
Ronald F. Frank
Attorneys for Defendant
City of Burbank


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**DEFENDANT CITY OF BURBANK'S OBJECTION TO
NOTICE TO APPEAR AT TRIAL FOR 107 CITY
EMPLOYEES**

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Agnes D. Tualla

SERVICE LIST
Taylor v. Burbank
LASC Case No. BC422252

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